

PATENT APPLICATION
42P16079Remarks

Reconsideration of this application is requested. By this amendment, claims 2 has been canceled and claims 1, 13, 14, 16, 18, 19, 21, 22, 23, and 24 have been amended. Accordingly, claims 1, 3-25 are in the Application.

Response to 35 U.S.C. §102 Rejections

The Office action rejects claim 1-11, 13-19, and 23-24 under 35 U.S.C. §102 (b) as being unpatentable by Jovanovich et al. (U.S. Patent No. 6,005,530). Applicant believes this rejection has been overcome in view of the amendments above and the remarks that follow.

Claims 2 has been canceled.

As is well established, in order to successfully assert a prima facie case of anticipation, the Office action must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Office action has not succeeded in making a prima facie case.

On page 2 of the Office action, the Examiner states that regarding claims 2-3, Jovanovich discloses wherein the gain of the secondary antenna (18_{1-n}) is at least about 6 dB or at least about 12 dB. See figure 3, since each (18) is 5 dB. Applicant disagrees with this conclusion and submits that the Examiner has misconstrued the teachings of Jovanovich.

In column 3, lines 40-48, Jovanovich et al. teach that FIG. 3 illustrates a prior art hybrid system that provides higher gain in one direction without

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exceeding the radiated power limits. As in FIG. 1, first transceiver 12 has a single element dipole antenna 16 that provides 2.1 dB gain. As in FIG. 2, the second transceiver 14 has a collinear antenna array comprised of multiple dipole elements 18₁ -18₄ arranged along a common linear axis, with adjacent ones of the dipole elements separated by phasing stubs 19₁ -19₃, to provide 5 dB of gain.

Accordingly, Applicants submit that Jovanovich et al. teach that the total gain of the collinear antenna 18₁ -18₄ is 5 dB, and not 20 dB as is suggested by the Examiner.

Applicant also respectfully submits that Jovanovich et al. does not teach that the antenna labeled "XMIT" in FIG. 4 of Jovanovich et al. receives signals and does not teach that the antenna labeled "RECEIVE" transmits signals. In addition, Jovanovich et al. does not teach that antenna 18₁ in FIG. 5 used for transmit operations is separate from, or discrete from, the antenna 18₁-18₄ in FIG. 5 used for receive operations.

Applicant's amended claim 1 recites, among other things, a secondary antenna having a gain greater than the gain of the primary antenna, wherein the gain of the secondary antenna is at least about 6 dBi. At least these features of Applicant's claim 1 are not included in the cited document of Jovanovich et al. Since the cited document does not teach all the limitations of Applicant's claim 1, it is believed that the rejection of claim 1 should be withdrawn and that claim 1 is in condition for allowance.

Claims 3-11 depend either directly or indirectly from claim 1 and are believed to be allowable for the same reasons as claim 1.

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Applicant's amended claim 13 recites a first antenna to transmit and receive signals and a second antenna to only receive signals and having a gain greater than a gain of the first antenna, wherein the second antenna is separate from the first antenna. At least these features of Applicant's claim 13 are not included in the cited document of Jovanovich et al. Since the cited document does not teach all the limitations of Applicant's claim 13, it is believed that the rejection of claim 13 should be withdrawn and that claim 13 is in condition for allowance.

Claims 14 and 15 claim 13 and are believed to be allowable for the same reasons as claim 13.

Applicant's amended claim 16 recites, among other things, a secondary antenna having a gain greater than the gain of the primary antenna, wherein the secondary antenna has a gain of at least about 6 dBi. At least these features of Applicant's claim 16 are not included in the cited document of Jovanovich et al. Since the cited document does not teach all the limitations of Applicant's claim 16, it is believed that the rejection of claim 16 should be withdrawn and that claim 16 is in condition for allowance.

Claims 17 and 18 depend from claim 16 and are believed to be allowable for the same reasons as claim 16.

Applicant's amended claim 19 recites receiving a first signal from a transmit and receive antenna and receiving a second signal from a receive only antenna, wherein the receive only antenna has a gain greater than a gain of the transmit and receive antenna and wherein the receive only antenna is separate from the

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transmit and receive antenna. At least these features of Applicant's claim 19 are not included in the cited document of Jovanovich et al. Since the cited document does not teach all the limitations of Applicant's claim 19, it is believed that the rejection of claim 19 should be withdrawn and that claim 19 is in condition for allowance.

Applicant's amended claim 23 recites selectively switching between either a primary antenna or a diversity antenna to receive signals, wherein a gain of the primary antenna is less than a gain of the diversity antenna and the diversity antenna is discrete from the secondary antenna. At least these features of Applicant's claim 23 are not included in the cited document of Jovanovich et al. Since the cited document does not teach all the limitations of Applicant's claim 23, it is believed that the rejection of claim 23 should be withdrawn and that claim 23 is in condition for allowance.

Claim 24 depends from claim 23 and is believed to be allowable for the same reasons as claim 23.

Response to 35 U.S.C. §103 Rejections

The Office action rejects claims 12, 20-22, and 25 under 35 U.S.C. §103(a) as being unpatentable over Jovanovich et al. (U.S. Patent No. 6,005,530) in view of Tanishima et al. (U.S. Patent No. 6,175,747). Applicant believes this rejection has been overcome in view of the amendments made above and the remarks that follow.

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Claim 12 depends from claim 1 and is believed to be allowable for the same reasons as claim 1.

Claims 20-22 depend either directly or indirectly from claim 19 and are believed to be allowable for the same reasons as claim 19.

Claim 25 depends from claim 23 and is believed to be allowable for the same reasons as claim 23.

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Conclusion

In view of all of the above, it is believed that Applicant's claims are allowable, and the case is in condition for allowance, which action is earnestly solicited. Reconsideration of the rejections is respectfully requested.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #50-0221.

If the Examiner believes that there are any informalities that can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 715-0624 is respectfully solicited.

Respectfully submitted,
Gregory A. Peek



Anthony M. Martinez
Patent Attorney
Reg. No. 44,223

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c/o Blakely, Sokoloff, Taylor & Zafman, LLP
12400 Wilshire Blvd., Seventh Floor
Los Angeles, CA 90025-1026
(503) 264-0967